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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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27557	7590	08/10/2006	EXAMINER NORTON, JENNIFER L	
BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			ART UNIT 2121	PAPER NUMBER

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/698,515	Applicant(s) OSSA, CRISTIAN A.	
	Examiner Jennifer L. Norton	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a **Final Office Action** in response to the Amendment received on 16 May 2006. Claims 1-2, 7, 12, 16 and 20 have been amended. Claims 1-20 are pending in this application.

Oath/Declaration

2. The oath is objected to because it does not identify the date on which the inventor signed the oath.

Drawings

3. The amendment to Specification was received on 16 May 2006. The correction is acceptable.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-6, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.: 5,231,310 (hereinafter Oh) in view of U.S. Patent No.: 4,246,495 (hereinafter Pressman).

6. As per claim 1, Oh teaches a timer for timing electrical usage connection of an electrical apparatus comprising a sensor (Fig. 1, element 26) adapted to be connected to the electrical apparatus for sensing an on condition of the electrical apparatus (col. 1, lines 27-29 and 33-35, and col. 2, lines 33-34), a first counter that counts down to zero time from a time greater than zero time set into the first counter (col. 4, lines 35-39), means connected to the first counter for setting a time into the first counter (col. 7, lines 8-11), a display (Fig. 2B, element 40) for displaying the count of the first counter (col. 9, lines 25-27) and a switch (Fig. 2A, element 50) connected between the display and the first counter for selecting a function to be displayed (col. 2, lines 57-64).

Oh does not expressly teach a second counter that counts up in response to the sensed on condition of the electrical apparatus.

Pressman teaches to a second counter that counts up in response to the sensed condition of the electrical apparatus (col. 2, lines 18-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh to include a second counter that counts up in response to the sensed condition of the electrical apparatus to set operation limits on the operation an electronic device, reduce friction and alleviate the waste of time usually involved in the repetitive and emotionally charged interactions between individuals (col. 1, lines 45-54).

7. As per claim 2, Oh teaches a means for interrupting the electrical power to the electrical apparatus when the first counter has completed its count (col. 7, lines 57-63).

8. As per claim 3, Oh does not expressly teach a means for resetting the count of the second counter to zero time.

Pressman teaches the timer including means for resetting the count of the second counter to zero time (col. 2, lines 29-32 and lines 54-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh to include the timer including means for resetting the count of the second counter to zero time to set operation limits on the operation an electronic device, reduce friction and alleviate the

waste of time usually involved in the repetitive and emotionally charged interactions between individuals (col. 1, lines 45-54).

9. As per claim 5, Oh teaches a means for stopping and restarting the count of the first counter during the on condition of the electrical apparatus (col. 6, lines 47-49).

10. As per claim 6, the examiner takes official notice that a television is powered by a 120 VAC, which is the standard in the U.S. Oh discloses the electrical apparatus is powered by 120 VAC (col. 1, lines 27-29 and 33-35).

11. As per claim 8, Oh teaches the electrical apparatus has an electrical connector (Fig. 3, element 300 and col. 3, lines 18-19) and an electrical cord (it is inherent the connector is attached to an electrical cord) and including a timer housing (Fig. 2B, element 11) having at least one male electrical connector (Fig. 2B, element 16 and col. 3, lines 6-9) and at least one female connector (Fig. 2B, element 22) for connecting the electrical connector and the electrical cord (it is inherent the connector is attached to an electrical cord) of the electrical apparatus to the timer (col. 3, lines 6-9).

12. As per claim 15, Oh teaches the male electrical connector is a three-prong power plug (Fig. 2A and 2B, element 16) mounted on one side of the housing and the female electrical connector is a receptacle for a three-prong plug (Fig. 2B, element 22)

mounted on a side of the housing (Fig. 2B, element 11) opposite the one side on which the male electrical connector is mounted (Fig. 2B).

13. Claims 4, 10-11, 13, 16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh in view of Pressman in further view of U.S. Patent No.: 5,283,475 (hereinafter Berger).

14. As per claim 4, Oh does not expressly teach a means for setting a time into the first counter is a keypad.

Berger teaches a means for setting a time into the first counter is a keypad (Fig. 2, element 14 and col. 3, lines 57-61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh in view of Pressman to include a keypad to regulate the hours an electrical apparatus is operable (col. 1, lines 62-65).

15. As per claim 10, Oh does not expressly teach the timer housing has a cover having a first position for accessing and connecting the electrical apparatus to the female connector and a second position for preventing access to the female connector

and including means for locking the cover in the second position.

Berger teaches the timer housing has a cover (Fig. 2, element 28 and col. 3, lines 67-68) having a first position for accessing and connecting the electrical apparatus to the female connector and a second position for preventing access to the female connector and including means for locking the cover in the second position (col. 4, lines 13-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh in view of Pressman to include the timer housing having a cover with a first position for accessing and connecting the electrical apparatus to the female connector and a second position for preventing access to the female connector and including means for locking the cover in the second position to selectively provide television control (col. 1, lines 48-53).

16. As per claim 11, Oh does not expressly teach a slot in the cover through which the electrical cord of the electrical apparatus is adapted to pass.

Berger teaches a slot (Fig. 2, elements 44 and 46) in the cover through which the electrical cord of the electrical apparatus is adapted to pass (col. 4, lines 15-19).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh in view of Pressman to include a slot in the cover through which the electrical cord of the electrical apparatus is adapted to pass to selectively provide television control (col. 1, lines 48-53).

17. As per claim 13, Oh teaches a means for stopping and restarting the count of the first counter during the on condition of the electrical apparatus (col. 6, lines 47-49).

Oh does not expressly teach a means for resetting the count of the second counter to zero time and wherein, in the second position of the cover, the cover prevents access to said switch, said means for setting a time into the first counter, said means for resetting the count of the second counter to zero time and said means for stopping and restarting the count of the first counter.

Pressman teaches the timer including means for resetting the count of the second counter to zero time (col. 2, lines 29-32 and lines 54-56).

Pressman does not expressly teach the second position of the cover, the cover prevents access to said switch, said means for setting a time into the first counter, said

means for resetting the count of the second counter to zero time and said means for stopping and restarting the count of the first counter

Berger teaches in the second position of the cover, the cover (Fig. 2, element 26) prevents access to means for setting a time into the first counter, said means for resetting the count of the second counter to zero time and said means for stopping and restarting the count of the first counter (col. 3, lines 68 and col. 4, lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh to include the timer with the means for resetting the count of the second counter to zero time and the cover to prevent access to means for setting a time into the first counter, said means for resetting the count of the second counter to zero time and said means for stopping and restarting the count of the first counter to set operation limits on the operation a electronic device, reduce friction and alleviate the waste of time usually involved in the repetitive and emotionally charged interactions between individuals (Pressman: col. 1, lines 45-54); and to selectively provide television control (Berger: col. 1, lines 48-53).

18. As per claim 16, Oh teaches to a sensor (Fig. 1, element 26) adapted to be connected to the electrical apparatus for sensing an on condition of the electrical apparatus (col. 2, lines 33-34), a first counter for counting down to zero time from a

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time greater than zero time set into the first counter (col. 4, lines 35-39), a display (Fig. 2B, element 40) for displaying the count of the first counter (col. 9, lines 26-27 and col. 4, lines 35-39), a switch (Fig. 2A, element 50) connected between the display and the first counter, and means for interrupting the a connection to the electrical apparatus when the first counter has completed its count (col. 7, lines 57-63).

Oh does not expressly teach to a keypad connected to the first counter for setting a time into the first counter, a second counter for counting up in response to the sensed on condition of the electrical apparatus, and means for resetting the count of the second counter to zero.

Pressman teaches to a second counter for counting up in response to the sensed on condition of the electrical apparatus (col. 2, lines 18-21), and means for resetting the count of the second counter to zero (col. 2, lines 29-32 and lines 54-56).

Pressman does not expressly teach a programmable timer comprising of a keypad.

Berger teaches to a programmable timer comprising of a keypad (col. 1, lines 62-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh to include a second counter for counting up in response to the sensed on condition of the electrical apparatus, and means for resetting the count of the second counter and a programmable keypad to zero to set operation limits on the operation a electronic device, reduce friction and alleviate the waste of time usually involved in the repetitive and emotionally charged interactions between individuals (Pressman: col. 1, lines 45-54); and to selectively provide television control (Berger: col. 1, lines 48-53).

19. As per claim 18, Oh teaches a timer housing (Fig. 2B, element 11), said timer housing having a female connector (Fig. 2b, element 22) for connecting the electrical apparatus to the timer (col. 3, lines 41-45).

Oh does not expressly teach a cover hingedly connected to the housing, said cover having a first position for accessing and connecting the electrical apparatus to the female connector and a second position for preventing access to the female connector and including means for locking the cover in the second position.

Berger teaches a cover (Fig. 2, element 28) hingedly connected to the housing, said cover having a first position for accessing and connecting the electrical apparatus to the female connector and a second position for preventing access to the female

connector and including means for locking the cover in the second position (col. 4, lines 13-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh in view of Pressman to include a cover hingedly connected to the housing, said cover having a first position for accessing and connecting the electrical apparatus to the female connector and a second position for preventing access to the female connector and including means for locking the cover in the second position to selectively provide television control (col. 1, lines 48-53).

20. As per claim 19, Oh does not expressly teach the programmable timer, wherein, in the second position of the cover, the cover prevents access to said switch, said means for setting a time into the first counter, said means for resetting the count of the second counter to zero time and said means for stopping and restarting the count of the first counter.

Berger teaches the programmable timer, wherein, the second position of the cover (Fig. 2, element 26), the cover prevents access to said switch, said means for setting a time into the first counter, said means for resetting the count of the second

counter to zero time and said means for stopping and restarting the count of the first counter (col. 3, lines 68 and col. 4, lines 1-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh to include the programmable timer, wherein, the second position of the cover, the cover prevents access to said switch, said means for setting a time into the first counter, said means for resetting the count of the second counter to zero time and said means for stopping and restarting the count of the first counter (col. 1, lines 48-53)

21. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oh in view Pressman, in further view of U.S. Patent No.: 6,777,828 (referred to as Rothstein hereinafter).

22. As per claim 9, Oh does not expressly teach the timer wherein the timer includes a timer housing having at least two male electrical connectors and at least two female connectors for connecting the electrical apparatus to the timer by a selected one of the female connectors.

Rothstein teaches to a timer including a timer housing (Fig. 3, element 12) having at least two male electrical connectors (Fig. 1, element 31 and 32) and at least

two female connectors (Fig. 3, element 34) for connecting the electrical apparatus to the timer by a selected one of the female connectors (col. 2, lines 36-46).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh in view of Pressman to include timer with a timer housing having at least two male electrical connectors and at least two female connectors for connecting the electrical apparatus to the timer by a selected one of the female connectors for the capability of coupling to a number of different electronic devices simultaneously (col. 1, lines 27-29).

23. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oh in view of Pressman, in further view of U.S. Patent No.: 4,147,978 (hereinafter Hicks).

24. As per claim 14, Oh does not expressly teach a programmable microprocessor connected to the first and second counters and the display means, said microprocessor being programmed with power usage specifications of the electrical apparatus and unit cost of electricity for calculating the total cost of electricity used by the electrical apparatus connected to the timer and displaying the total cost on the display means.

Hicks teaches to a programmable microprocessor (Fig. 1, element 32) connected to the first and second counters (col. 2, lines 48-51 and 67-68) and the display (Fig. 3,

element 26) means, said microprocessor being programmed with power usage specifications of the electrical apparatus (col. 6, lines 44-46 and 51-56) and unit cost of electricity for calculating the total cost of electricity (col. 1, lines 66-68 and col. 6, lines 13-15) used by the electrical apparatus connected to the timer (Fig. 4, element 172) and displaying the total cost on the display means (col. 10, lines 15-16).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh in view of Pressman to include a programmable microprocessor connected to the first and second counters and the display means, said microprocessor being programmed with power usage specifications of the electrical apparatus and unit cost of electricity for calculating the total cost of electricity used by the electrical apparatus connected to the timer and displaying the total cost on the display means for the advantage of providing up-to-date information to the consumer regarding energy usage and costs (col. 2, lines 15-19).

25. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oh in view of Pressman in view of U.S. Patent No 6,599,139 (hereinafter Hunter).

26. As per claim 7, Oh teaches to a means for interrupting an electrical power connection (col. 7, lines 57-63).

Oh does not expressly teach a means for interrupting at least one communications network connection in response to completion of a count.

Hunter teaches to an electrical apparatus connected to a dial-up telephone line, a cable connection or a network with a means for interrupting a communication network connection in response to completion of a count (col. 2, lines 5-12).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh in view of Pressman to include an electrical apparatus connected to the internet through a dial-up telephone line, a cable connection or a network with a means for interrupting a communication network connection in response to completion of a count to have control over the telephone or network connection so that the use is not abused (col. 1, lines 26-30).

27. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oh in view of Pressman in further view of Berger and Hunter.

28. As per claim 12, Oh the examiner takes official notice that a television is powered by a 120 VAC, which is the standard in the U.S. Oh teaches to electrical apparatus is powered by 120 VAC (col. 1, lines 27-29 and 33-35), a female connector (Fig. 2B, element 22) is provided on the housing to receive a power connector of the electrical

apparatus (col. 3, lines 6-9) and the timer further comprises means for interrupting connections of the power connector in response to completion of a count (col. 7, lines 57-63).

Oh does not expressly teach the electrical device operates via at least one of a telephone and an Internet connection and to a female connector is a network connection.

Hunter teaches the electrical device operates via at least one of a telephone and an Internet connection (col. 2, lines 5-7) and wherein the female connector is a network connection (col. 2, lines 14-16 and Fig. 3, element 3, element 19 a).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh in view of Pressman in further view of Berger to include the electrical device operates via at least one of a telephone and an Internet connection and to a female connector is a network connection to have control over the telephone or network connection so that the use is not abused (col. 1, lines 26-30).

29. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oh in view of Pressman in further view of Berger and Hicks.

30. As per claim 20, Oh teaches a programmable timer for timing electrical power usage of an electrical apparatus comprising a sensor (Fig. 1, element 26) adapted to be connected to the electrical apparatus for sensing an on condition of the electrical apparatus (col. 1, lines 27-29 and 33-35, and col. 2, lines 33-34), a first counter for counting down to zero time from a time greater than zero time set into the first counter (col. 4, lines 35-39), a display (Fig. 2B, element 40) for displaying the count of the first (col. 9, lines 25-27), and a switch (Fig. 2A, element 50) connected between the display and the first counter for selecting a function to be displayed (col. 2, lines 57-64), means for interrupting a connection of the electrical apparatus when the first counter has completed its count and means for resetting the count of the second counter (col. 7, lines 57-63).

Oh does not expressly teach a keypad connected to the first counter for setting a time into the first counter, a second counter for counting up in response to the sensed on condition of the electrical apparatus and a programmable microprocessor connected to the first and second counters and the display means, said microprocessor being programmed with power usage specifications of the electrical apparatus and unit cost of electricity for calculating the total cost of electricity used by the electrical apparatus connected to the timer and displaying the total cost on the display means.

Berger teaches a means for setting a time into the first counter is a keypad (Fig. 2, element 14 and col. 3, lines 57-61).

Berger does not expressly teach a second counter for counting up in response to the sensed on condition of the electrical apparatus and a programmable microprocessor connected to the first and second counters and the display means, said microprocessor being programmed with power usage specifications of the electrical apparatus and unit cost of electricity for calculating the total cost of electricity used by the electrical apparatus connected to the timer and displaying the total cost on the display means.

Pressman teaches to a second counter for counting up in response to the sensed on condition of the electrical apparatus (col. 2, lines 18-21).

Pressman does not expressly teach a programmable microprocessor connected to the first and second counters and the display means, said microprocessor being programmed with power usage specifications of the electrical apparatus and unit cost of electricity for calculating the total cost of electricity used by the electrical apparatus connected to the timer and displaying the total cost on the display means.

Hicks teaches to the programmable timer including a programmable microprocessor (Fig. 1, element 32) connected to the first and second counters (col. 2,

lines 48-51 and 67-68) and the display (Fig. 3, element 26) means, said microprocessor being programmed with power usage specifications of the electrical apparatus (col. 6, lines 44-46 and 51-56) and unit cost of electricity for calculating the total cost of electricity (col. 1, lines 66-68 and col. 6, lines 13-15) used by the electrical apparatus connected to the timer (Fig. 4, element 172) and displaying the total cost on the display means (col. 10, lines 15-16).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teaching of Oh to include a keypad connected to the first counter for setting a time into the first counter, a second counter for counting up in response to the sensed on condition of the electrical apparatus and a programmable microprocessor connected to the first and second counters and the display means, said microprocessor being programmed with power usage specifications of the electrical apparatus and unit cost of electricity for calculating the total cost of electricity used by the electrical apparatus connected to the timer and displaying the total cost on the display means to regulate the hours an electrical apparatus is operable (Berger: col. 1, lines 62-65); to set operation limits on the operation an electronic device, reduce friction and alleviate the waste of time usually involved in the repetitive and emotionally charged interactions between individuals (Pressman: col. 1, lines 45-54); and for the advantage of providing up-to-date information to the consumer regarding energy usage and costs (Hicks: col. 2, lines 15-19).

Response to Arguments

31. Applicant's arguments, see Remarks pgs. 9-12, filed 16 May 2006, with respect to the rejection(s) of claims 1-20 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

32. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Pressman teaches the suggestion to combine "two different types of timers integrated therein" to set operation limits on the operation an electronic device, reduce friction and alleviate the waste of time usually involved in the repetitive and emotionally charged interactions between individuals (col. 1, lines 45-54).

33. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Pressman teaches the suggestion to combine "two different types of timers integrated therein" to set operation limits on the operation an electronic device, reduce friction and alleviate the waste of time usually involved in the repetitive and emotionally charged interactions between individuals (col. 1, lines 45-54).

34. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Pressman teaches the suggestion to combine "two different timers to a display using a switch" to set operation limits on the operation an electronic device, reduce friction and alleviate the waste of time usually involved in the repetitive and emotionally charged interactions between individuals (col. 1, lines 45-54).

35. In response to applicant's argument that "one (timer) uses a synchronous motor to turn a dial and one is electronic", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

36. In response to the applicant's argument the prior art fails to teach, "these two different types of timers to connect both timers to a display using a switch that allows displaying either timer on the display..." . The examiner respectfully disagrees.

Oh teaches a switch (Fig. 2A, element 50) connected between the display and the first counter for selecting a function to be displayed (col. 2, lines 57-64).

37. In response to applicant's argument that "The recited features also provide significant unobvious advantages that are not suggested in the noted references.", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

38. In response to applicant's argument that "the device is capable of serving different functions, and a single display provided for the two timers can selectively provide either of two operating modes", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

39. As per claim 20, in response to applicant's argument that the examiner has combined five references to claim 20 is incorrect, only four references were used (Oh, Pressman, Berger, and Hicks).

Furthermore, in response to applicant's argument that there is no suggestion to combine the references of claim 20, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this

case, Hicks teaches an electrical metering device for the advantage of providing up-to-date information to the consumer regarding energy usage and costs (Hicks: col. 2, lines 15-19).

Conclusion

40. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer L. Norton whose telephone number is 571-272-3694. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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For Anthony Knight